

The opinion in support of the decision being entered today was not written for publication in a law journal and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte VICTOR GIRARDI, MICHAEL KELLEY, PAUL A. KOVLAKAS,
ALLEN L. KRAMER, and CHARLES R. MALANDRA JR.

MAILED

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U.S. PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Appeal No. 2005-1958
Application No. 09/187,907

ON BRIEF

Before GROSS, BLANKENSHIP, and MACDONALD, **Administrative Patent Judges**.

GROSS, **Administrative Patent Judge**.

DECISION ON APPEAL

This is a decision on appeal from the examiner's final rejection of claims 1 through 15, which are all of the claims pending in this application.

Appellants' invention relates to a method and system in which postage is printed on a document in two different places based on two different fold configurations. Claim 1 is illustrative of the claimed invention, and it reads as follows:

1. A method of operating a processor based postage metering system having executable code running on the processor based postage metering system, the executable code operable for

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controlling creation of a document by a user giving input data to the processor based postage metering system, the method comprising the steps of:

selecting first and second fold configurations for the document from a plurality of possible fold configurations;

identifying to the processor based postage metering system the selected first and second fold configurations;

creating the document within the processor based postage metering system under control of the executable code;

within the processor based postage metering system automatically determining based on the selected first fold configuration a first designated location within the document for printing a first evidence of postage;

within the processor based postage metering system automatically determining based on the selected second fold configuration a second designated location within the document for printing a second evidence of postage; and

printing the document and the first and second evidence of postage such that the first and second evidences of postage are respectively printed in the first and second designated locations of the document.

The prior art references of record relied upon by the examiner in rejecting the appealed claims are:

File	5,174,493	Dec. 29, 1992
Kara	5,801,944	Sep. 01, 1998
Bresnan et al. (Bresnan)	5,873,073	Feb. 16, 1999
		(Filed Dec. 24, 1996)

Claims 1 through 15 stand rejected under 35 U.S.C. § 103 as being unpatentable over Kara in view of File and Bresnan.

Reference is made to the Examiner's Answer (Paper No. 13, mailed March 7, 2005) for the examiner's complete reasoning in

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support of the rejection, and to appellants' Brief (Paper No. 12, filed March 6, 2002) for appellants' arguments thereagainst.

OPINION

We have carefully considered the claims, the applied prior art references, and the respective positions articulated by appellants and the examiner. As a consequence of our review, we will reverse the obviousness rejection of claims 1 through 15.

Appellants assert (Brief, page 4) that "Kara does not dynamically determine where to print the evidence of postage in a document based on a user-specified fold configuration. Rather the location of evidence of postage in the document of Kara is assumed to be a fixed parameter at the upper right-hand corner." Appellants further point out (Brief, page 4) that Kara only discloses a single evidence of postage on the document. The examiner recognizes (Answer, page 3) that Kara does not teach selecting fold configurations, and, therefore, turns to File. We agree with the examiner that File teaches various fold configurations for a document. However, File fails to teach using two selections of fold configurations to determine locations for two evidences of postage.

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The examiner (Answer, page 4) further relies upon Bresnan to cure the deficiencies of Kara and File. The examiner asserts (Answer, page 4) that Bresnan discloses selecting first and second fold configurations, paper size, and simplex or duplex printing. Further, the examiner states that mailers including reply documents either as part of the document or as inserts are well-known. The examiner concludes that the three references together teach the claimed invention.

Appellants argue (Brief, page 4) that Bresnan prints evidence of postage on the envelope after the document has been folded and inserted. Thus, Bresnan does not select fold configurations to determine a location for the postage.

We agree with appellants. There is nothing in any of the three references that would suggest printing postage in two locations on a document based on two different fold configurations. The three references at best suggest that documents can be folded different ways, that postage can be printed on the document once in the upper right-hand corner to show through a window, and that a reply document can be included which also includes postage. However, none of the references teach or suggest printing postage twice, once in each of two locations, each of which is determined by a different fold

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configuration. As the combination of references fails to teach or suggest each and every limitation of independent claims 1 and 9, we cannot sustain the obviousness rejection of claims 1, 9, or of their dependents, claims 2 through 8 and 10 through 15.

CONCLUSION

The decision of the examiner rejecting claims 1 through 15 under 35 U.S.C. § 103 is reversed.

REVERSED



ANITA PELLMAN GROSS)
Administrative Patent Judge)


HOWARD B. BLANKENSHIP)
Administrative Patent Judge)

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